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| 09/783,747 | 02/15/2001 | William R. Blair | 046700-5022 | 2174 |
| 28977 | 7590 | 09/23/2005 | EXAMINER | |
| MORGAN, LEWIS & BOCKIUS LLP | | | KESACK, DANIEL | |
| 1701 MARKET STREET | | | ART UNIT | |
| PHILADELPHIA, PA 19103-2921 | | | PAPER NUMBER | |
| | | | 3624 | |

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/783,747

Applicant(s)

BLAIR, WILLIAM R.

Examiner

Dan Kesack

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02/15/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☒ Claim(s) 3 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. Abstract exceeds word limit. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

Claim Objections

2. Claims 3 and 10 are objected to because of the following informalities: regarding claim 3 line 20, "on" should be "one", regarding claim 10 line 9, "suppler" should be "supplier". Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear according to the language of claim 21 whether the claimed invention is a method or an apparatus.

Claim Rejections - 35 USC §101

5. 35 U.S.C. § 101 reads as follows:

"Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title".

6. Claims 1-20, 22-24 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

35 USC 101 requires that in order to be patentable the invention must be a "new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof" (emphasis added).

Claims 1-20, 22-24 are rejected under 35 U.S.C. § 101 because; the claimed invention is directed to a non-statutory subject matter. Specifically the method claims as presented do not claim a technological basis in the pre-amble and the body of the claim. Without a claimed basis, the claim may be interpreted in an alternative as involving no more than a manipulation of an abstract idea and therefore non-statutory under 35 U.S.C. § 101. In contrast, a method claim that includes in the body of the claim structural / functional interrelationship which can only be computer implemented is

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considered to have a technological basis [See Ex parte Bowman, 61 USPQ2d 1669, 1671 (Bd. Pat. App. & Inter. 2001) - used only for content and reasoning since not precedential].

Claims 1-20, in order to over come the 101 rejection above, the following preamble is suggested:

"A method of procuring functionally equivalent components over a computer network, based on ---", or something similar. Also, in the body of the claim include structural / functional interrelationship which can only be computer implemented.

Claims 22-24, in order to over come the 101 rejection above, the following preamble is suggested:

"A computer implemented method for ---", or something similar. Also, in the body of the claim include structural / functional interrelationship which can only be computer implemented.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
9. Claims 1-5, 10, 14, 15, and 17-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shkedy US Patent No 6,260,024, in view of Chinnappan US Pre-Grant Publication No 2002/011187.
10. Claims 1-5, 10, 14, 15, 19-24, Shkedy discloses systems and methods for accepting purchase requirements for goods or services from buyers, said purchase requirement specifying the item required, the quantity required, requirement expiration date, along with other specified conditions, (column 5 lines 10-15) and aggregating individual purchase requirements into single pooled purchase requirements, making these pooled purchase requirement detail documents available to potential sellers via a website on the internet, and accepting bids from potential sellers to fulfill said pooled purchase requirements by supplying required goods or services (column 6, lines 3-7 and 15-20). Shkedy teaches a seller-bidding database which stores all information pertinent to a given transaction, and which is used to complete the transaction after an auction is complete (Column 10, lines 11-25).
11. Shkedy fails to teach generating a generic specification for requested goods, wherein for each group of functionally equivalent components, there is one unique number and a plurality of supplier generated numbers.
12. Chinnappan discloses a system and method for identifying a product, which may be specified or determined to facilitate a commercial transaction involved the product

(paragraph 6 lines 13-14). The system uses a hierarchical numbering directory which assigns numbers based on the product class, and specific product properties, the result of which is a globally unique identifier, which a buyer may use to identify a product and to request information or additional transactions from the source of the product (paragraph 10). Chinnappan teaches that this system and method may be used for the cataloging of products by sellers and the matching of a buyer's demands to one or more products of one or more sellers (paragraph 23 lines 8-10). Chinnappan also teaches that two products in the database may have identical features, but may have different product identification numbers assigned by the manufacturer (paragraph 46 lines 8-13).

13. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Chinnappan's system and method of classifying and cataloging products into Shkedy's system and method of pooled purchase requirements for the purpose simplifying the process of a user finding the correct required good, and for easily identifying which purchase orders may be aggregated and pooled.

14. Claims 17 and 18, Shkedy teaches at the close of an auction, the processing of invoices, storage, and delivery of goods is conducted by the supplier of said goods.

15. Claims 6-9, 11-13, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shkedy in view of Chinnappan.

16. Claims 6-9, 11-13, Shkedy and Chinnappan fail to teach a tool for adding and deleting columns of buyer and supplier information, for calculating values of properties

in supplier specific columns, for creating rows to represent properties for supplier independent information, creating rows that represent product properties for supplier specific information, choosing information from drop down menus, calculating the values of a tolerance column based on corresponding buyer-specific properties, determining whether values are within an acceptable tolerance for given properties, and highlighting factors which are outside said acceptable tolerances.

17. Official notice is taken that spreadsheet capabilities such as creating, adding, and deleting rows and columns, calculating values based on row and column values, and the use of drop down menus is old and well known in the art.

18. It would have been obvious to one of ordinary skill in the art at the time of the invention to include spreadsheet capabilities and drop down menus in the claimed invention to organize and process products and orders, as said capabilities simplify use and automate routinely performed functions within the system.


Claim 16, Shkedy and Chinnappan fail to teach setting the price of a winning supplier as the new price of the functionally equivalent component. Official notice is taken that basing the new price on previously received bids in an auction is old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to adjust the current price to match the most recent purchase price, so as to keep prices current and up-to-date.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Kesack whose telephone number is 571-272-5882. The examiner can normally be reached on M-F, 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



HANI M. KAZIM
PRIMARY EXAMINER